

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 24. BOARD OF PHYSICAL THERAPY

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per the Governor's Regulatory Review Plan memorandum, January 22, 2009 and the continuation issued April 30, 2009. (See a copy of the memoranda in this issue on pages 1130 and 1131.) The Governor's Office authorized the notice to proceed through the rulemaking process on April 1, 2009.

[R09-61]

PREAMBLE

1. Sections Affected

R4-24-101
Table 1
R4-24-301

Rulemaking Action

Amend
Amend
Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-2003(5)

Implementing statute: A.R.S. §§ 32-2022(B), 32-2041, and 41-1073

3. List of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 14 A.A.R. 4343, November 21, 2008

Notice of Proposed Rulemaking: 14 A.A.R. 4696, December 26, 2008

Notice of Oral Proceeding on Proposed Rulemaking: 15 A.A.R. 734, May 1, 2009

Notice of Public Information: 15 A.A.R. 962, June 12, 2009

Notice of Rulemaking Docket Opening: 15 A.A.R. 1129, July 3, 2009 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Charles D. Brown, Executive Director

Address: Board of Physical Therapy
4205 N. 7th Ave., Suite 208
Phoenix, AZ 85013

Telephone: (602) 274-0236

Fax: (602) 274-1378

E-mail: charles.brown@ptboard.az.gov

5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:

The Board is updating material incorporated by reference, specifying in table form the time-frame for renewal of a license or certificate; and amending the rule regarding lawful practice to include information on patient consent to treatment.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

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7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The clarified standards regarding patient consent may impose minimal economic impact on physical therapists but will have the benefit of protecting both the physical therapist and the consumer of physical therapy services. The updated materials incorporated by reference may have minimal economic impact on foreign-educated applicants and foreign educational institutions that train physical therapists. However, the updated materials were announced more than five years ago so both educational institutions and applicants have had time to prepare and avoid any economic impact.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Charles D. Brown, Executive Director
Address: Board of Physical Therapy
4205 N. 7th Ave., Suite 208
Phoenix, AZ 85013
Telephone: (602) 274-0236
Fax: (602) 274-1378
E-mail: charles.brown@ptboard.az.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

An oral proceeding regarding the proposed rules will be held as follows:

Date: Wednesday, August 5, 2009
Time: 10:00 a.m.
Location: 4205 N. 7th Ave., Suite 208
Phoenix, AZ 85013

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

Coursework Tool for Foreign Educated Physical Therapists who Graduated after June 30, 2009; Fifth edition; 2004; Federation of State Boards of Physical Therapy; 124 West St., Alexandria, VA 22314; 703-299-3100; incorporated at R4-24-101.

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 24. BOARD OF PHYSICAL THERAPY

ARTICLE 1. GENERAL PROVISIONS

Section
R4-24-101. Definitions

ARTICLE 2. LICENSING PROVISIONS

Section
Table 1. Time-frames (in days)

ARTICLE 3. PRACTICE OF PHYSICAL THERAPY

Section
R4-24-301. Lawful Practice

ARTICLE 1. GENERAL PROVISIONS

ARTICLE 1. GENERAL PROVISIONS

R4-24-101. Definitions

In addition to the definitions in A.R.S. § 32-2001, in this Chapter:

1. No change
2. No change
 - a. No change
 - b. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. "Course evaluation tool" means ~~A the Coursework Evaluation Tool for Persons Who Received Their Foreign Educated Physical Therapy Education Outside the United States Therapists who Graduated after June 30, 2009, Fourth Fifth Edition, 2003 2004,~~ published by the Federation of State Boards of Physical Therapy, ~~509 Wythe~~ 124 West St., Alexandria, VA, 22314, incorporated by reference and on file with the Board. This incorporation by reference contains no future editions or amendments.
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change
 - a. No change
 - b. No change
 - c. No change
18. No change
19. No change
20. No change
21. No change
22. No change
23. No change
24. No change
25. No change
26. No change
27. No change
28. No change
29. No change
30. No change
31. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
32. No change
33. No change
34. No change
35. No change
36. No change
37. No change

Notices of Proposed Rulemaking

ARTICLE 2. LICENSING PROVISIONS

Table 1. Time-frames (in days)

Type of Applicant	Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Original License (R4-24-201)	License	A.R.S. §§ 32-2022; 32-2023	75	30	45
License by Endorsement (R4-24-201)	License by Endorsement	A.R.S. § 32-2026	75	30	45
Physical Therapist Assistant Certificate (R4-24-207)	Certificate	A.R.S. §§ 32-2022; 32-2023	75	30	45
Foreign-educated (R4-24-203)	License	A.R.S. §§ 32-2022; 32-2025	75	45	30
<u>Renewal of license or certificate (R4-24-208)</u>	<u>License or certificate</u>	<u>A.R.S. § 32-2027</u>	<u>30</u>	<u>15</u>	<u>15</u>
Foreign-educated and Supervised Clinical Practice (R4-24-203, R4-24-204)	Interim Permit and Approval of Facility	A.R.S. § 32-2025	60	30	30
Reinstatement (R4-24-202)	Reinstatement of License or Certificate	A.R.S. § 32-2028	30	15	15

ARTICLE 3. PRACTICE OF PHYSICAL THERAPY

R4-24-301. Lawful Practice

- A.** A physical therapist shall provide the referring practitioner, if any, with information from the patient assessment, diagnosis, and plan of care. ~~A~~ Within one week after a patient is initially evaluated, the physical therapist shall provide this information, verbally or in writing, after a patient is initially evaluated:
 - 1. In writing and place a copy of the written notice in the patient’s record, or
 - 2. Orally and place a contemporaneously made note of the verbal communication in the patient’s record.
- B.** A physical therapist shall maintain the confidentiality of patient records ~~in accordance with A.R.S. Title 12, Chapter 7 as required by federal and state law.~~
- C.** On written request by a patient or the patient’s health care decision maker, a physical therapist shall provide access to or a copy of the patient’s medical or payment record in accordance with A.R.S. § 12-2293.
- ~~**D.**~~ **E.** A physical therapist shall obtain a patient’s ~~informed~~ informed consent before examination and treatment. ~~The~~ and document the consent shall be in writing or documented in the patient chart and include: patient’s record.
 - ~~1. The nature of the proposed intervention;~~
 - ~~2. Material risk of harm or complication;~~
 - ~~3. A reasonable alternative to the proposed intervention, and~~
 - ~~4. The goal of treatment.~~
- E.** A physical therapist shall respect a patient’s right to make decisions regarding examination and the recommended plan of care including consent, modification, or refusal. To assist the patient in making these decisions, the physical therapist shall:
 - 1. Communicate to the patient examination findings, evaluation, diagnosis, and prognosis;
 - 2. Collaborate with the patient to establish the goals of treatment and the plan or care; and
 - 3. Inform the patient that the patient is free to select another physical therapy provider.